



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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ORIGINAL

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas Jacobson
Deputy Secretary

SEP 15 2006

RECEIVED

SEP 29 2006

EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR

Mr. David Herron
10821 Malaquena Lane NE
Albuquerque, New Mexico 87111

Dear Mr. Herron:

Thank you for your correspondence to Governor Robert L. Ehrlich, Jr. regarding the Elkton Farm Firehole Site (Site) property in Elkton, Maryland and your family's potential liability. The Governor received your letter and asked that I, as Secretary of the Maryland Department of the Environment (MDE), respond on his behalf.

As you know, MDE has investigated this property in conjunction with the U.S. Environmental Protection Agency (EPA) for the past several years. As a result of these investigations, EPA initiated the current removal action under the authority of the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLA, or more commonly known as Superfund, which imposes strict liability upon persons or entities that meet the definition of a "responsible party." The Federal statute also requires that EPA must ensure that responsible parties pay for actions taken to address imminent and substantial endangerment at uncontrolled hazardous substance sites.

As EPA is authorized by Federal statute to recover its costs at this Site, MDE does not have the authority to address this immediate matter. It would be inappropriate for Maryland to discuss you and your family's potential liability. This issue is best discussed between you, your counsel, and EPA's general counsel. It is MDE's understanding that EPA will work to balance your concerns along with its obligation to recover its costs.



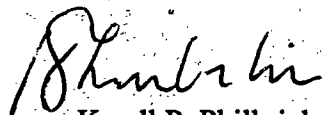
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Mr. David Herron
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Thank you, again, for your letter. The Governor appreciates hearing from you, and on his behalf, I thank you for your interest into this very important matter. If you have any additional concerns or questions, please do not hesitate to contact me or Mr. Horacio Tablada, Director of Waste Management Administration, at 410-537-3304, toll-free 800-633-6101, or via email htablada@mde.state.md.us. He will be pleased to assist you.

Very truly yours,



Kendl P. Philbrick
Secretary

cc: The Honorable Donald S. Welsh, Regional Administrator ✓
U.S. Environmental Protection Agency, Region III

Mr. Horacio Tablada, Director of Waste Management Administration
The Maryland Department of the Environment (MDE)